UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/017,654	ANTTILA ET AL.
	Examiner	Art Unit	
	KAMAL B. DIVECHA	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 January 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20,24,25,30-34,36 and 37</u> is/are pending in the application.

    4a) Of the above claim(s) <u>21-23 and 26-29</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20,24,25,30-34,36 and 37</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>12 December 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claims 1-20, 23-25, 30-37 are pending in this application.

Claims 21-22 and 26-29 were previously withdrawn.

Claim 35 was previously cancelled.

Reopening of Prosecution After Appeal Brief or Reply Brief

In view of the Appeal Brief filed on January 22, 2007, PROSECUTION IS

HEREBY REOPENED. The Office Action sets forth below.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee

and appeal brief fee can be applied to the new appeal. If, however, the appeal fees

set forth in 37 CFR 41.20 have been increased since they were previously paid,

then appellant must pay the difference between the increased fees and the amount

previously paid.

Claim Objections

Claims 3, 6, 9, 14, 20 and 36 are objected to because of the following informalities:

The claim refers to the process by the reference numerals. Applicant is advised to include the process in the claim in addition to the reference characters.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1.   Claims 1-20, 23-25, 30-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites:

> A method for synchronous media playback, comprising the steps of:
> (a) transmitting a media playback invite request received from a first terminal to a second terminal, wherein the first terminal is associated with a host user and the second terminal is associated with guest user;
> (b) relaying a media playback accept response from the second terminal to the first terminal; and
> (c) distributing a start playback request from the first terminal to the second terminal, wherein the start playback request directs the second terminal to begin a playback session of a media file in synchronization with the first terminal

The functionality "distributing a start playback request…in synchronization with the first terminal" is unclear.

It is unclear whether the synchronous media playback occurs with respect to initial starting of the synchronization process OR is with respect to ongoing synchronization process.

Applicant is advised to take appropriate action.

<u>Claim 6 recites:</u>

The method of claim 1, further comprising the step of:
(d) storing an internal time in response to step (c); and
(e) providing an <u>elapsed time</u> to second terminal when the second terminal joins the playback session
during the playback session.

The functionality of providing "elapsed time" is unclear. It is unclear whether the elapsed

time, i.e. delay is with respect to connection, terminal, server or media.

Claim 7 recites "second internal time" in the claim. It is unclear whether the second

internal time is with respect to connection, terminal, server or media.

Claim 23 recites the term "other" in the claim. It is unclear which one of the terminal the

term other corresponds to.

Claims 2-20, 23-25 and 30-37 are rejected for the one or more reasons as set forth above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2.   Claims 1, 2, 4-6, 8-19, 23-25, 30-34 and 36-37 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Liou (WO 99/46702) in view of Dalrymple et al. (hereinafter

Dalrymple, US 6,976,094 B1).

As per claim 34, Liou discloses a central server for use in a synchronous media playback

system (fig. 8 item #800, pg. 3 L15-32, pg. 4 L13-23, pg. 10 L25-32: collaboration server)

comprising:

a communication interface (fig. 8 item #800: connected to the Internet);

a storage medium (fig. 8 item #804); and

a processor programmed with computer-executable instructions to perform the steps (fig.

8 item #800) comprising:

receiving a media playback invite request received from a first terminal to a second

terminal, wherein the first terminal is associated with a host user and the second terminal is

associated with guest user (fig. 10: joining a session, pg. 5 L20-28, pg. 7 L22-28: sending a join

request message, pg. 18 L4-32: synchronous media playback); and

distributing a start playback request from the first terminal to the second terminal,

wherein the start playback request directs the second terminal to being a playback session of a

media file that is locally stored in the second terminal in synchronization with the first terminal

(fig. 10: joining and distributing request, user 1, user 2, pg. 18 L4-32, pg. 14 L12-32: receiving

messages and distributing to clients).

However, Liou does not expressly disclose the process of transmitting a media playback

request received from a first terminal to a second terminal and the process of relaying a media

playback accept response from the second terminal to the first terminal.

Dalrymple explicitly discloses a call set-up method during conferencing comprising the

process of sending an invite request message from the first terminal to the second terminal

through a central server, and the process of relaying a media playback accept response from the

second terminal to the first terminal (i.e. a standard approach for setting up a communication

session, fig. 2 step #100, 106, 108, 110, fig. 4, col. 3 L50 to col. 4 L46, col. 5 L23-50).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time

the invention was made to modify (if necessary) Liou in view of Dalrymple in order to send

accept response message from the second terminal to the first terminal.

One of ordinary skilled in the art would have been motivated because this would have established a communication session between two computers (Dalrymple: col. 3 L50 to col. 4 L21).

As per claim 36, Liou discloses a host terminal (pg. 10 L1-24) for use in a synchronous media playback system comprising:

a communication interface (pg. 10 L1-24, fig. 1: plurality of host terminals, fig. 10: user 1 and user 2 are associated with the host terminals);

a storage medium (pg. 6 L3-10);

a media player (fig. 4, fig. 10: video player 1 and 2, pg. 10 L1-24); and

a processor programmed with computer-executable instructions to perform the steps comprising:

transmitting a media playback invite request received from a first terminal, wherein the first terminal is associated with a host user and the second terminal is associated with guest user (fig. 10: joining a session, pg. 5 L20-28, pg. 7 L22-28: sending a join request message, pg. 18 L4-32: synchronous media playback); and

distributing a start playback request from the first terminal to the second terminal, wherein the start playback request directs the second terminal to being a playback session of a media file that is locally stored in the second terminal in synchronization with the first terminal (fig. 10: joining and distributing request, user 1, user 2, pg. 18 L4-32, pg. 14 L12-32: receiving messages and distributing to clients).

However, Liou does not expressly disclose the process of transmitting the media playback request from a first terminal to a second terminal, wherein the second terminal is

associated with the guest user and the process of relaying a media playback accept response from

the second terminal to the first terminal.

Dalrymple explicitly discloses a call set-up method during conferencing comprising the

process of sending an invite request message from the first terminal to the second terminal

associated wit the guest user and the process of relaying a media playback accept response from

the second terminal to the first terminal (i.e. a standard approach for setting up a communication

session, fig. 2 step #100, 106, 108, 110, fig. 4, col. 3 L50 to col. 4 L46, col. 5 L23-50).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time

the invention was made to modify (if necessary) Liou in view of Dalrymple in order to send an

invite request to a second terminal and receive accept response message from the second

terminal to the first terminal.

One of ordinary skilled in the art would have been motivated because this would have

established a communication session between two computers (Dalrymple: col. 3 L50 to col. 4

L21).

As per claim 2, Liou discloses the process comprising the step of distributing an action

request between the first terminal and the second terminal during the playback session (pg. 6

L18-27, pg. 14 L12-33: receives action(s) and distributes to all session manager associated with

the users).

As per claim 4, Liou discloses the process wherein the action request is selected from the

group consisting of a rewind request, a pause playback request, a fast forward request, a textual

comment request, and a user-specified internal effect algorithm to modify audio or video of the

media file (pg. 11 L21-32, pg. 12 L12-25, fig. 4).

As per claim 5, Liou discloses the process comprising the step of distributing a stop

playback request from the first terminal to the second terminal in response to the host user

terminating the playback session (pg. 11 L21-32, pg. 12 L1-25: a stop button will stop the

playback session, pg. 14 L12-32: distributing actions to the rest of the clients).

As per claim 6, Liou discloses the process of storing an internal time in response to

distributing a start playback request from the first terminal to the second terminal, wherein the

start playback request directs the second terminal to being a playback session of a media file that

is locally stored in the second terminal in synchronization with the first terminal (pg. 7 L10-14)

and providing an elapsed time to second terminal when the second terminal joins the playback

session during the playback session (pg. 6 L3-27: delaying, pg. 14 L12-24).

As per claim 8, Liou discloses the process of receiving a stop playback request from the

second terminal in response to the guest user withdrawing from the playback session (pg. 11

L21-32, pg. 12 L1-25: a stop button will stop the playback session); and removing a session

entry that is associated with the second terminal, wherein the session entry indicates participation

of the second terminal in the playback session (pg. 14 L12-23: managing state of the

conference).

As per claim 9, Liou discloses the process of receiving a stop playback request from the

first terminal in response to the host user ending the playback session and terminating the

playback session in response to step (d) (pg. 11 L21-32, pg. 12 L1-25: a stop button will stop the

playback session).

As per claim 10, Liou discloses the process of instructing the second terminal to modify

the media file in accordance with a modification file during the playback session (pg. 12 L12-

25).

As per claim 30, Liou discloses the process wherein the media file is locally stored on the

second terminal for playback (pg. 6 L3-10).

As per claim 1, 11-19, 23-25, 31-33 and 37, they do not teach or further define over the

limitations in claims 34, 36, 2, 4-6, 8-10 and 30. Therefore claims 1, 11-19, 23-25, 31-33 and 37

are rejected for the same reasons as set forth in claims 34, 36, 2, 4-10 and 30.

3.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liou (WO

99/46702) in view of Dalrymple et al. (hereinafter Dalrymple, US 6,976,094 B1), and further in

view of Crandall et al. (hereinafter Crandall, US 2002/0107040 A1).

As per claim 7, Liou in view of Dalrymple discloses the process of receiving a first

internal time from the first terminal or the second terminal, wherein the first internal time is

derived from a global time (Liou: pg. 6 L3-27, pg. 14 L12-24, pg. 7 L10-14).

However, Liou in view of Dalrymple does not expressly disclose the process of

comparing the first internal time to a second internal time in order to derive a time difference,

wherein the second internal time is derived from the global time; and adjusting transmission of a

subsequent message to the first terminal or the second terminal (Liou may inherently teach the

process).

Crandall discloses the process of synchronizing messages by determining first time and

second time, comparing the first time with the second time in order to derive time difference, i.e.

delay, and adjusting the transmission of a subsequent message to the first terminal (fig. 4, fig. 5,

fig. 7, fig. 9, pg. 2 [0030-0034], pg. 3 [0044-0046], pg. 4 [0047-0057]).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time

the invention was made to modify Liou in view of Dalrymple and further in view of Crandall in

order to derive a time difference and adjust the transmission of the messages.

One of ordinary skilled in the art would have been motivated because it would have

provided same amount of latency for different users and/or actions (Crandall, pg. 1 [0005]).

4.   Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liou

(WO 99/46702) in view of Dalrymple et al. (hereinafter Dalrymple, US 6,976,094 B1), and

further in view of Agresta et al. (hereinafter Agresta, US 2002/0091848 A1).

As per claim 3, Liou in view of Dalrymple does not disclose the process of verifying

permissions associated with the first terminal and the second terminal before executing the

process as in claim 2.

Agresta explicitly teaches the process of verifying the permissions, i.e. authoring account

before executing the process such as pause, rewind, forward, etc. (fig. 4A step #116, 138, pg. 6

[0051]).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time

the invention was made to modify Liou in view of Dalrymple in view of Agresta in order to

verify the permissions of the terminals and/or users before executing any actions.

One of ordinary skilled in the art would have been motivated because it would have

verified the access rights of the user.

As per claim 20, Liou in view of Dalrymple does not disclose the system wherein the network comprises a wireless communications channel.

Agresta explicitly teaches using the wireless communication channel and/or network (fig. 3 item #22, pg. 3 [0037]).

Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Liou in view of Dalrymple and further in view of Agresta in order to employ the process over the wireless channel.

One of ordinary skilled in the art would have been motivated because it would have enabled the user to remote access data (Agresta, pg. 3 [0037]).

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Saxena et al., U. S. Patent No. 5,805,821.

- Agarwal et al., U. S. Patent No. 6,314,466 B1.

- Schmidt et al., U.S. Patent No. 6,353,174 B1.

- King et al., US 5,600,775: Method and apparatus for annotating full motion video.

- MeLampy et al., US 7,133,923 B2: Real-Time Transport protocol.

- Riddle, US 5,854,898: Automatically adding additional data stream to existing media connection between two end points.

- Rajasekharan et al., US 6,480,961 B2: Secure Streaming of digital audio/visual content.
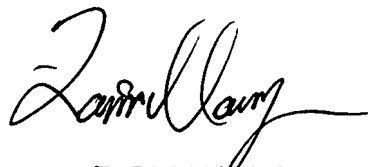
Conclusion

This action is made non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kamal Divecha
Art Unit 2151
May 24, 2007.

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